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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
89 KEVIN JONES,) No. C 09-4574 MMC (PR)
10 Petitioner,)
11 v.) **ORDER OF DISMISSAL;**
12 JOHN MARSHALL, Warden) **DENYING LEAVE TO**
13 Respondents.) **PROCEED IN FORMA**
14) **PAUPERIS**
15)
16) (Docket No. 8)17
18 On September 11, 2009, petitioner, a California prisoner proceeding pro se, filed
19 the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The
20 the Court notified petitioner in writing that the action was deficient due to petitioner's
21 failure to pay the requisite filing fee or, instead, to submit a completed court-approved in
22 forma pauperis ("IFP") application. Specifically, in said notice, petitioner was advised
23 that he must submit a Certificate of Funds in Prisoner's Account completed and signed
24 by an authorized officer at the prison, and must attach a copy of his prisoner trust
25 account statement showing transactions for the last six months. Petitioner was further
26 advised that his failure to pay the filing fee or, alternatively, to file a completed IFP
27 application, within thirty days, would result in dismissal of the action. Along with said
28 notice, petitioner was sent a copy of the court-approved prisoner's IFP application,
instructions for completing it, and a return envelope. As of today's date, more than thirty
days have passed since the deficiency notice and petitioner has not filed a completed IFP
application or paid the filing fee.

1 Accordingly, the above-titled action is hereby DISMISSED without prejudice.

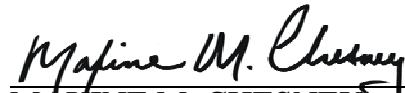
2 Additionally, the incomplete application to proceed in forma pauperis is hereby
3 DENIED and no fee is due.

4 This order terminates Docket No. 8.

5 The Clerk shall close the file.

6 IT IS SO ORDERED.

7 DATED: November 13, 2009


8 MAXINE M. CHESNEY
9 United States District Judge

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